

ZB# 69-4

**Donald Johnston & Sidney
Brundage**

(no SBL given)

69-4

21-69
P.M.

Wharton -

Brundage

(Wharton)

Check p. 1
Promptly
by M. H.
1/15/69



KARL V MAUER
ASSISTANT TRAFFIC SUPERVISOR

NEW YORK STATE THRUWAY AUTHORITY
NEW YORK DIVISION OFFICE
333 SO BROADWAY
TARRYTOWN, N Y

631-6300

69-4
1-21-69
3:30 P.M.
J. J. J. J.
J. J. J. J.
J. J. J. J.

Adopted 12/20/65

APPLICATION FOR VARIANCE

APPLICATION NO. 69-4

DATE: April 1, 19 69

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

X (we) Donald Johnston and Sydney 695 Broadway
Brundage (Street & Number)

City of Newburgh

New York
(State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

West side of Union Avenue, between Route 207
and Route 17K in said Town of New Windsor

- A. LOCATION OF THE PROPERTY (Street & Number) (Use District on Zoning Map)
- B. PROVISION (S) OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance: 5 Sec 48-35)

- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: applicants wish to build an office building which will house their insurance business, as well as rental space being available for other tenants; this land is already zoned as commercial and there is a commercial building currently being erected for a moving and storage business on the same side of Union Avenue north of the within property.

2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: the structure contemplated to be built is one which will upgrade the area and will not detract from the land use nor value of the surrounding properties.

3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: the structure contemplated to be built is one which will upgrade the area and will not detract from the land use nor value of the surrounding properties.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this ordinance because: the structure contemplated to be built is one which will upgrade the area and will not detract from the land use nor value of the surrounding properties.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: the structure contemplated to be built is one which will upgrade the area and will not detract from the land use nor value of the surrounding properties.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Submitted herewith are sketches of the proposed structure, said office building, which will house the insurance office of the applicants, as well as additional rental space for tenants.

Town of New Windsor
1. Application to be accompanied by a check, payable to the Town Controller in the amount of \$10.00. Application to be returned to: New Windsor Zoning Board of Appeals, ~~Box 25~~, New Windsor, N. Y. 12550.

F. NOTICE OF HEARING:

Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the ordinance

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified.

Dated: _____

STATE OF NEW YORK)
COUNTY OF ORANGE) SS

Sworn to this 30th day of April 1969

Sidney Brundage
Signature of Applicant
Donald T. Johnston
695 Broadway
Address

Newburgh, N.Y. 12550

Telephone No. 561-3304

PETER C. PATSALOS
Notary Public, State of New York
Residing in Orange County
My Commission Expires 12/31/77

Peter C. Patsalos
(Notary Public)

DO NOT WRITE IN THIS SPACE

Application No. 69-4
Date of Hearing Oct. 6, 1969
Date of Decision Oct. 20, 1969

Date Received Apr. 1, 1969
Notice Published Sept. 26, 1969

Decision: Variance denied.

ORANGE COUNTY PLANNING BOARD
COUNTY BUILDING, GOSHEN, NEW YORK

PETER GARRISON
PLANNING DIRECTOR

EDWIN J. GARLING
ASSISTANT PLANNING DIRECTOR

ROYAL BRUCE HARDE
ASSISTANT PLANNER

(914) 294-5151

*I thought you should
see this -
I told Pat about it*

October 6, 1969

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board of Appeals
Veronica Avenue
New Windsor, New York

Re: Application for change of zone from
GI to LB, DS or OLI, Union Avenue
(City. Hwy. #38).

Dear Mrs. Budney:

The above cited application was placed on the agenda of the October 3, 1969 meeting of the Orange County Planning Board. From a review of the materials as submitted, it became apparent to the Board that this application is pending before the wrong local board. An application for change of zone (as stated in the forwarding letter of Mr. Peter Patsalos, dated September 22, 1969) must come before the local planning board, not the zoning board of appeals which has no jurisdiction in such matters.

The Town of New Windsor Planning Board must have granted approval to the subdivision of this particular parcel of land (Tax Map-Section 4, Block 1, lot 9.23), and anticipated the consequences of creating a lot (100'x200') smaller than that required (40,000 square feet) for the area as zoned.

Very truly yours,

Kenneth A. MacVean

KAM:f

Kenneth A. MacVean, Chairman
Orange County Planning Board
Review Committee

cc: Howard Collett
Peter Patsalos

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold
a public hearing pursuant to Section 48-33 A of the Zoning
Ordinance on the following proposition:

Appeal No. 15

Request of ~~James H. Johnston~~ ^{and Sidney Brundage} ~~Donald Johnston~~ for a
variance of the regulations of the zoning
ordinance, to permit the erection of a building to house insurance
(describe proposal)

business, being

a variance of Article ~~48-35~~ ⁴⁸⁻³⁵, Section 48-35,

for property owned by him situated as follows

West side of Union Avenue approx 940 ft from Gate 207 on the

South side of Union Avenue on the north bounded by Golden and West 100 ft
~~xxx other description of requested action by the~~
~~Board not needed xxx~~

~~xxx bounded by N.Y.S. Thruway 6th~~
SAID HEARING will take place on the ~~1st~~ of Oct., 1969,
at the New Windsor School, beginning at 8 o'clock P.M.

~~By resolution of the Board dated~~ xxx 19 xxx.

Louise A. Budney
Chairman (for Secretary)

Public Hearing 10/6/69 -
Johnston - Brundage 8 p.m.

Spectators

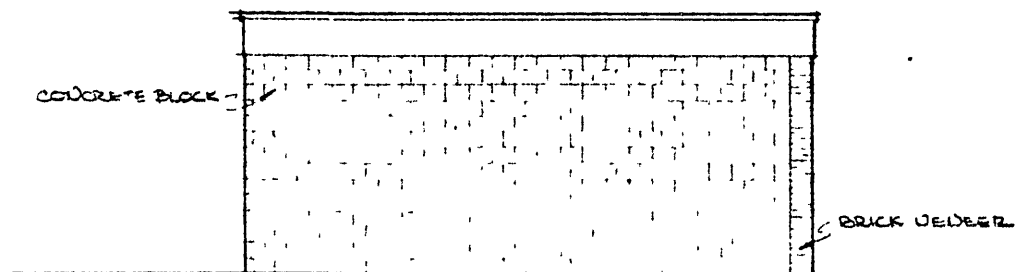
Address

Karl V. Mauer
Asst Traffic Supvr

333 So. Broadway
Tarrytown, N.Y.

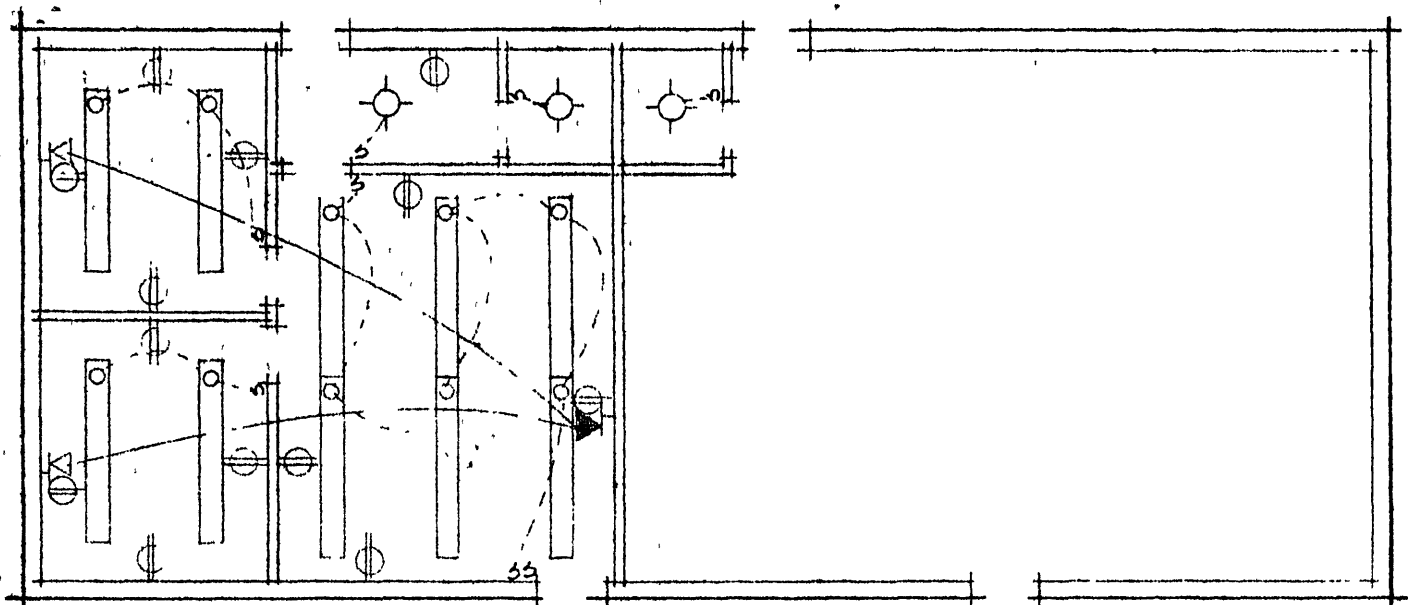


FRONT ELEVATION

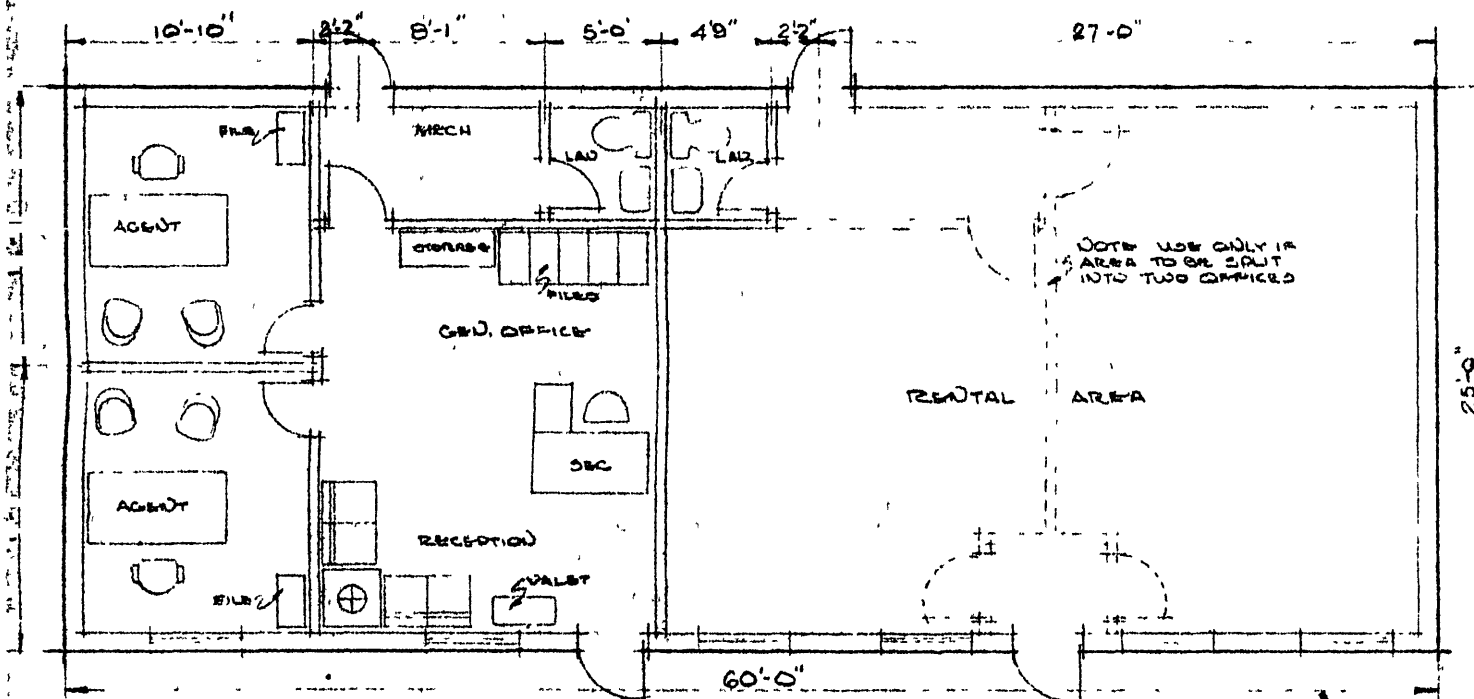


SIDE ELEVATION
SCALE 1/8"=1'-0"

OFFICE LAYOUT
DON JOHNSTON, AGENT
NEWBURGH, NEW YORK
1-7-68 *FR*

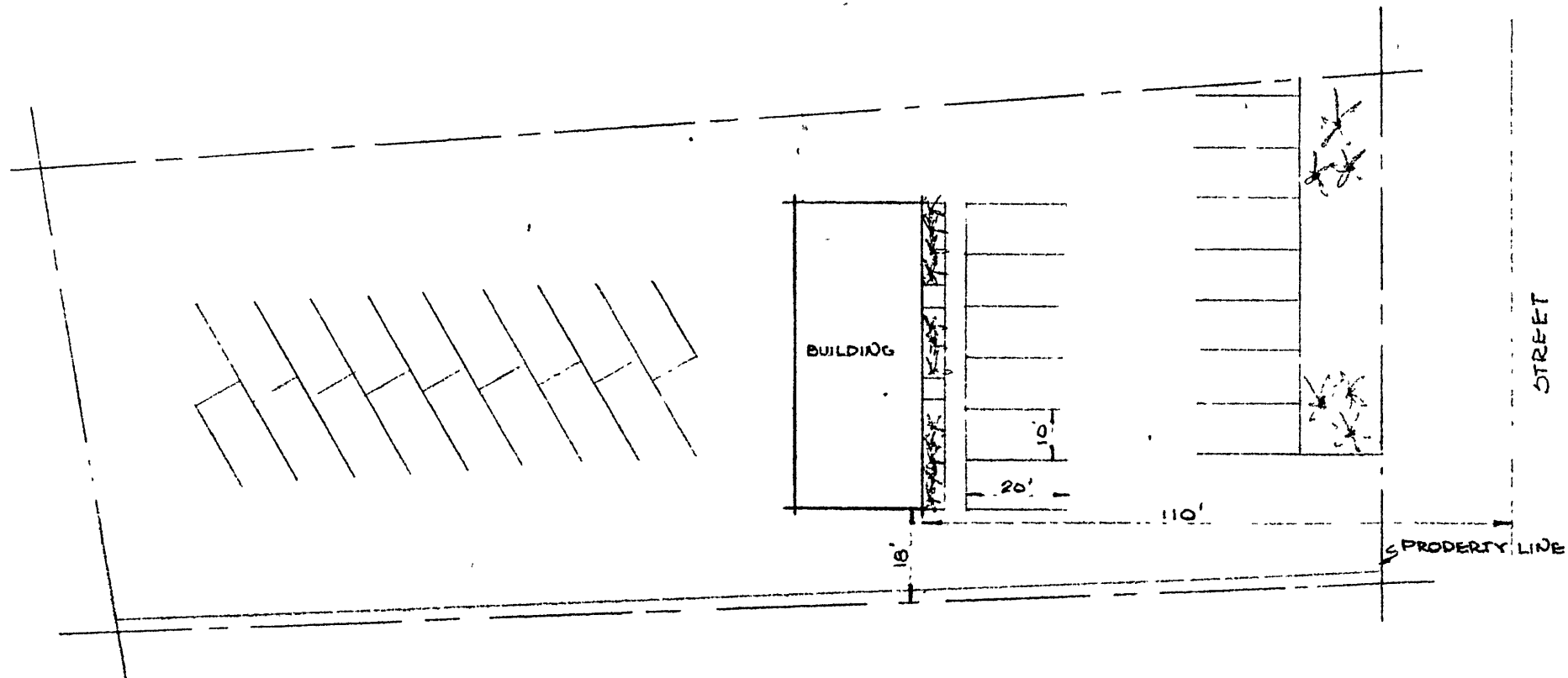


ELECTRICAL & TELEPHONE



FLOOR LAYOUT
SCALE 1/8"=1'-0"

OFFICE LAYOUT
DON JOHNSTON, AGENT
NEWBURGH, NEW YORK
1-7-69
77



PLOT PLAN
SCALE 1" = 30'

OFFICE LAYOUT
DOU JOHNSTON, AGENT
NEWBURGH, NEW YORK
1-7-69 *FR*

7 Franklin Ave., M. D. 42
New Windsor, N. Y. 12550
September 30, 1969

Howard Collett, Chairman
New Windsor Planning Board
Drury Lane
Rock Tavern, N. Y.

Dear Mr. Collett:

Enclosed please find the following:

Copy of Application for Variance of
Benedetto D'Angelo, together with public
hearing notice, and

Copy of Application for Variance of
Gerald Johnston and Sidney Brundage,
together with public hearing notice.

Public hearings are scheduled for the above
on October 6, 1969, beginning at 8 p.m. at the
New Windsor School.

Yours very truly,

Patricia Delio,
Secretary

Encs.

cc: Lawrence Jones

PETER C. PATSALOS

COUNSELOR AT LAW

TELEPHONE 565-4480
AREA CODE 914

476 BROADWAY
NEWBURGH, NEW YORK 12550

September 19, 1969

Mrs. Patricia Delio
7 Franklin Avenue
New Windsor, New York

Re: Johnston, Brundage Application for Variance for
Property on Union Avenue

Dear Mrs. Delio:

Pursuant to our phone conversation I am enclosing the Public Notice of Hearing for the Zoning Board of Appeals which is scheduled for October 6, 1969 at the New Windsor School beginning at 8 o'clock, as well as the original application submitted by Johnston & Brundage. I have also sent a photostatic copy of the application to the Orange County Planning Board, Attention George Garrison, Goshen, New York.

It is my understanding also that I must send notices to the property owners in the surrounding area regarding this proposed change.

If there are any questions please feel free to contact me.

Very truly yours,

Pete C. Patsalos
Peter C. Patsalos

PETER C. PATSALOS

COUNSELOR AT LAW

TELEPHONE 565-4480
AREA CODE 914

September 2, 1969

476 BROADWAY
NEWBURGH, NEW YORK 12550

Mrs Patricia Delio
7 Franklin Avenue
New Windsor, New York

Re: Johnston, Brundage application for variance for property
on Union Avenue

Dear Mrs. Delio:

By letter May 5, 1969 I enclosed and did submit an application for a variance on the above described property. At that time I also submitted the required fee of \$10.00.

Subsequently I discussed this matter with Mr. Sommers who indicated I did not need a variance at all but should appear before the New Windsor Planning Board with a site plan of the proposed building. At that time I appeared with the site plan and was informed that I needed a variance because the lot size was too small for the proposed building. I therefore am requesting at this time that this matter be put on your next meeting of the Zoning Board for such a variance request.

I am sure your file will indicate the letter received from me as well as the letter from the building inspector.

Will you be so kind as to indicate on the enclosed carbon copy of this letter the date of the next meeting scheduled so that my clients can be informed of this hearing and appear.

Your prompt reply will be appreciated.

Yours truly,


Peter C. Patsalos

PCp/avp

PETER C. PATSALOS
ATTORNEY AND COUNSELLOR AT LAW
476 BROADWAY
NEWBURGH, NEW YORK 12550

May 5, 1969

Mrs. Patricia Delio
7 Franklin Avenue, M.D. 42
New Windsor, New York 12550

Re: Johnston, Brundage application for variance for
property on Union Avenue

Dear Mrs. Delio:

Enclosed please find application for variance on the above described property. Please set it down for a public hearing at your next meeting, if possible. I have enclosed a check in the sum of \$10.00, your fee for this. Kindly inform me as to the amount of the publication fee which I will remit, as well.

It is my understanding that the Sec. 239-N of the General Municipal Law is not applicable in this application. Please inform me as to the hearing date so that I will be present, together with my clients.

Very truly yours,

Peter C. Patsalos
Peter C. Patsalos *mf*

PCP:ms
Enc.

PROCEDURE FOR PUBLIC HEARING

In order to prepare for a public hearing before the New Windsor Zoning Board of Appeals, applicant must first prepare a public hearing notice, said publication to appear in the newspaper only once at least 10 days prior to the hearing date.

Registered letters are to be sent to all residents and property owners within a radius of 500 ft. of the property in question. This list may be obtained from the Assessor's office. All registered letters must have return receipts. All return receipts, copy of published notice, copy of registered letter and all site plans with measurements must be presented at the public hearing by applicant. A fee of \$10.00 is required in all cases, check to be made payable to the Town Comptroller of New Windsor.

Please have your attorney determine whether Sec. 239-B of the General Municipal Law is applicable to your application and, if so, comply therewith.

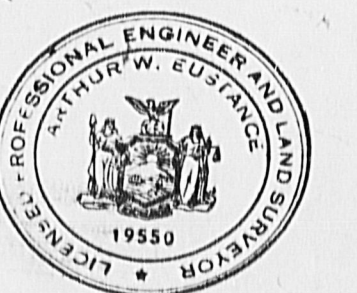
When application has been completed, please return it to the secretary of the Zoning Board of Appeals, together with the public hearing notice. Return to:

Patricia Delio
7 Franklin Ave., M. D. 42
New Windsor, N.Y. 12550
Tel: 56 2-7107

(Secretary will publish hearing notice at the expense of the applicant.)



SURVEY
 PORTION OF LANDS OF
 ZAKLASNIK TO PATSALOS
 TOWN OF NEW WINDSOR ORANGE CO., N.Y.
 SCALE 1" = 50' JANUARY 31, 1966



EUSTANCE & HOROWITZ - ENGRS.
 P.O. BOX 175 CIRCLEVILLE, N.Y.
 A-1528